



Shire of
Collie

MINUTES

of the

ORDINARY MEETING OF COUNCIL

held on

Tuesday, 14 December 2021

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Minutes of the Ordinary Meeting of the Collie Shire Council held in Council Chambers, 87 Throssell Street Collie, on Tuesday, 14 December 2021 commencing at 7:03pm.

1. OPENING/ATTENDANCE/APOLOGIES & LEAVE OF ABSENCE

PRESENT:	Sarah Stanley	Councillor (Presiding Member)
	Ian Miffing OAM JP	Councillor (Deputy Member)
	Gary Faries	Councillor (Arrived 7.04pm)
	Brett Hansen	Councillor
	Elysia Harverson	Councillor
	John Kearney	Councillor
	Joe Italiano	Councillor
	Leonie Scoffern	Councillor
	Michelle Smith	Councillor
	Brent White	Councillor
	Rebecca Woods	Councillor
	Stuart Devenish	Chief Executive Officer
	Allison Fergie	Director Corporate Services
	Matthew Young	Director Development Services
	Rick Miller	Director Technical Services
	Hasreen Mandry	Finance Manager
	Belinda Dent	CEO PA

APOLOGIES:

GALLERY: Nola Green – Press (Left Chambers at 10.34pm)
Jeremy Higgins – WA Country Health Service (Left Chambers at 7.30pm)
Russell Tierney – (Left Chambers at 8.16pm)
Jamie Pitchers – (Left Chambers at 7.46pm)
Gael Varian – (Left Chambers at 10.34pm)
Melanie Lasisz – (Left Chambers at 7.46pm)

- 1.1 Councillors granted Leave of Absence at previous meeting/s.
- 1.2 Councillors requesting Leave of Absence for future Ordinary Meetings of Council.
- 1.3 Councillors who are applying for Leave of the Absence for this Ordinary Meeting of Council.

2. PUBLIC QUESTION TIME

Nil

3. RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Cr Italiano asked why are we using a contractor to replace florescent tubes at the library when we have a handyman?

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Mr Young advised at the last Council Meeting that the handyman was unable to climb a ladder at that point in time due to an injury but also took this question on notice to check arrangements.

Further Response by Mr Young: The decision was made at the time to use a contractor to complete the last phase of a staged changeover from old lights to improve energy efficiency, as our building maintenance staff member is injured and would have needed to get up and down quite a number of times for these 14 x locations. This would have caused him significant discomfort.

Cr Faries arrived at 7.04pm.

4. DISCLOSURE OF FINANCIAL INTEREST

The Chief Executive Officer advised that Disclosures of Financial Interests had been received from Councillors/staff as listed below:

Councillor/Staff	Agenda Item	Disclosure
Cr Kearney	Items 10.9 - Adopt the recommendation of the Tourism Marketing Advisory Committee	Impartial – Work Related
	Item 11.1 – Interim Waste Processing Fee Agreement	Impartial – Work Related
	Item 13.2 – Collie Wambenger Trail Signage Locations	Impartial – Work Related
	Item 13.3 – Retrospective Development Application – Lot 2826, No. 708 Yourdamung Road	Impartial – Work Related
Cr Faries	Item 12.1 – Fee Waiver – Swimming Lessons	Impartial – School Board Member
Cr Woods	Item 13.5 – Request to Remove Notification on Certificate of Title Under Section 70A – Lot 370, No. 14 River Avenue	Impartial – Relative lives next to property.

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5. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Members of the public invited by the Chairperson may address the meeting after Standing Orders have been suspended.

8888

Moved: Cr White	Seconded: Cr Scoffern
That Council suspends Standing Orders.	
CARRIED 11/0	

- A presentation was provided by Jeremy Higgins on the Collie Health Service Stage 2 Redevelopment project at the Collie Hospital.

Cr Stanley thanked Mr Higgins for the deputation and update on the Collie Health Service Stage 2 Development project.

Mr Higgins left Chambers at 7.30pm.

- Presentation by representative of the Collie Eagles Football Club.

Mr Pitchers provided an updated to Council on concerns with the ground use at the Collie Recreation facilities which impacts the Collie Eagles Football club members with training and seasonal organisation of scratch matches.

After discussion the consensus was that a combined meeting needed to be scheduled with the Football Club and Athletics Club around scheduling and use of the Recreation Ground.

Mr Pitchers and Mrs Lasisz left Chambers at 7.46pm.

8889

Moved: Cr Scoffern	Seconded: Cr White
That Council resume Standing Orders.	
CARRIED 11/0	

6. NOTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

- There is one item for which the meeting will be closed to the public.

7. ITEMS BROUGHT FORWARD DUE TO INTEREST BY ATTENDING PERSONS

Item 13.3 brought forward due to interest by attending persons.

Cr Kearney has declared an Impartial Interest at Item 13.3.

Mrs Mandry left the room at 7.53pm and returned at 7.54pm.

8890

Moved: Cr Hansen	Seconded: Cr Harverson
That Council suspend Standing Orders.	
CARRIED 11/0	

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Mrs Varian left the Chambers at 8.12pm and returned at 8.13pm.

8891

Moved: Cr Harverson	Seconded: Cr Woods
That Council resume Standing Orders.	
CARRIED 11/0	

13.3 Retrospective Development Application for Change of Guesthouse, Restaurant, Proposed Camping Ground, Expansion of the Kitchen and Storeroom - Lot 2826, No. 708 Yourdamung Road, Palmer.

Reporting Department:	Development Services
Reporting Officer:	Isabel Fry – Town Planner
Accountable Manager:	Matt Young – Director Development Services
Legislation	<i>Planning and Development Act 2005</i>
File Number:	A3405
Appendices:	Appendix 9 – Application Appendix 10 – Location Map Appendix 11 – Compliance Notification Appendix 12 – Bushfire Management Plan Appendix 13 – Submissions Appendix 14 – Applicants Response Appendix 15 – Peer Review Appendix 16 – Further Advice from Agencies
Voting Requirement	Simple Majority

Report Purpose:

To determine a retrospective development application for change of use from bed and breakfast to guesthouse, commercial kitchen/ restaurant, expansion of the kitchen and storeroom, change of use from outbuilding to guesthouse, bar and storage, 7 freestanding patios and camping ground.

8892

Officer's Recommendation/Council Decision:

Moved: Cr Miffling

Seconded: Cr Faries

That Council resolve to:

- 1. Refuse the application for development approval for retrospective approval for change of use from bed and breakfast to guesthouse, commercial kitchen/ restaurant, proposed expansion of the kitchen and storeroom, change of use from outbuilding to guesthouse, bar and storage, 7 freestanding patios and camping ground at Lot 2826, No. 708 Yourdamung Road, Palmer for the**

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following reasons:

- a) The performance principles contained within State Planning Policy 3.7- Planning in Bushfire Prone Areas cannot be achieved for the proposed development as the bushfire hazard cannot be reduced to an acceptable level through the implementation of the Bushfire Management Plan.
- b) The Bushfire Risk Management Plan and Bushfire Emergency Evacuation Plan do not establish a suitable basis on which a decision maker can confidently approve the development.
- c) Pursuant to Cl.67(q) and (r) of the Planning and Development (Local Planning Schemes) Regulations 2015, the land is unsuitable for the proposed development as it creates a possible risk to human life and safety due to the risk of bushfire.

2. Advise the landowner that:

- a) all unauthorised activities and events, aside from the approved bed and breakfast are to cease immediately; and
- b) all unauthorised development as outlined in this report is to be removed from the site within 90 days.

3. Further advise the owner that the Shire is supportive of tourism and related ventures and encourages such. It is essential however that requirements of the State Government, particularly those relating to safety, are satisfied. When it can be demonstrated that essential requirements can be met, the Shire welcomes a new application.

4. Authorise officers to work with the, Department of Planning, Lands and Heritage, and Department of Fire and Emergency Services in the review of the State's bushfire planning framework and provisions relating to guidance for tourism land uses within bushfire prone areas.

CARRIED 11/0

Background:

A development application (Appendix 9) was received from Edge Planning and Property, on behalf of the Applicant. The application is for retrospective approval for a change of use from bed and breakfast to guesthouse, commercial kitchen/ restaurants, proposed expansion of the kitchen and storeroom, change of use from outbuilding to guesthouse, bar and storage, 7 freestanding patios and camping ground at Lot 2826, No. 708 Yourdamung Road, Palmer.

At its meeting held 10 August 2021, Council considered the proposal and resolved the following. As directed, officers have sought further advice from agencies and the Applicant, as detailed in the comment section of this report.

Motion #8795

That Council:

- 1. defer a decision on the matter, work with the proponent, relevant agencies to try to come a favourable outcome and report back to Council; and**

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2. authorise officers to work with the Collie Delivery Unit, Department of Planning, Lands and Heritage, and Department of Fire and Emergency Services in the review of the State's bushfire planning framework and provisions relating to guidance for tourism land uses within bushfire prone areas.

The subject site is an approximately 7ha in area, 18km northeast of the Collie townsite (Appendix 10). The property is surrounded by State Forest, managed by the Department of Biodiversity, Conservation and Attractions. Access to the site is from Yourdamung Road, which is an unsealed, gazetted gravel road which is managed by the Shire.

The application predominantly seeks retrospective approval for number of structures and activities on the site being unauthorised. At present, a Bed and Breakfast is the only approved use on the site, with the exception of the single dwelling occupied by the owner. The stage on the subject site has also been approved, however the use of the stage for public events has not.

In previous years, there have been a number of development applications submitted for various accommodation type uses on the property. These applications and one approval for a Residential Building (6 room accommodation) have since expired or been cancelled due to lack of information provided to support the application(s), or the development was not commenced.

On 14 March 2019, the Applicant was sent correspondence regarding the notice of intention to serve a building order on the property relating to unauthorised works. A Section 214 Direction under the Planning and Development Act for unauthorised works and use of the land was also served on the Applicant on 14 March 2014. The Applicant subsequently appealed the Notice through the State Administrative Tribunal, however, withdrew the appeal. The Shire also withdrew the Section 214 Notice and agreed to continue to work through the issues of non-compliance with the Applicant.

On 25 July 2019, Shire Officers contacted the applicant to advise an appropriate course of action to address the on-going non-compliance on the site (Appendix 11). Due to no return correspondence being received, the Shire sent further correspondence to the Applicant, advising that a development application must be submitted to avoid further compliance action.

The Application

The Applicant submitted a development application on 15 May 2020, however the required detail to support the application was not wholly received until late November 2020. The proposal was then referred to agencies for comment. Further time elapsed while responses were sought from the applicant to issues arising from the referrals, and then from a peer review of the proposed bushfire management plans.

The proposed land uses/ works incorporated in the application include:

1. Changing the use/ classification of the approved Bed and Breakfast to a Guesthouse (7 accommodation units) in the northern accommodation building.
2. Retrospective approval for the commercial kitchen/ restaurant including proposed expansion of the kitchen (adjacent to the northern guesthouse). This facility is for

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guests to prepare their own meals and BYO alcohol. It is not proposed to be used for public functions.

3. Addition of a storeroom to the northern guesthouse.
4. Retrospective approval for a change of use/ classification of the approved outbuilding to a guesthouse, bar and storage.
5. Retrospective approval for 7 free-standing patios to provide shelter and recreation opportunities.
6. Retrospective approval for a Camping Ground with 12 campsites and associated vehicular access in the form of a 'Nature Based Park'.

It is also proposed that the landowner/operator of Yourdamung Road Retreat hold occasional events at the property. The Applicant intends to seek approval; through individual Event Applications to the Shire, however the Applicant has not included it as part of this Development Application.

Building Code Compliance

The Shire's Manager of Building Services has set out the following concerns regarding Building Code of Australia compliance matters:

1. Unauthorised addition/ fit out to approved outbuilding:
 - a. Comprising of unauthorised patio
 - b. Use as a public bar
 - c. Lack of fire separation between unauthorised accommodation element and bar/ patio.
 - d. Unauthorised fit out for accommodation, including laundry and kitchen extension.
 - e. All the above require retrospective approval and remedial works to be compliant with standards required for a new build.
2. Proposed Guesthouse (Approved as Bed and Breakfast)
 - a. Building approved for Class 3 Residential only.
 - b. Use of the function/ restaurant space for the public is unauthorised and requires approval as a Class9b/ 6 building.
 - c. Change of classification is required which triggers the following requirements;
 - i. Upgrade of passive fire protection for Sole Occupancy Units to meet BCA Fire resistance levels of 90/90/90 – i.e. all SOU bounding walls, doors;
 - ii. Unprotected exit travel path for SOU occupants to be rationalised by certifier;
 - iii. Upgrade of fire detection and alarm system to comply with AS 1670.1, requires Fire Indicator Panel, extensive re-work;
 - iv. Exit doors, emergency lighting, disability access all needs to be addressed;
 - v. Energy Efficiency – this will need to be verified as meeting current section J requirements. The certifier didn't include energy efficiency under their BA18 retrospective approval certificate;
 - vi. Potentially Bushfire Construction Upgrades – The BA18 Retrospective Approval Certificate received for the Class 3 building was dated 16 March 2016 and declared the site wasn't in a bushfire prone area,

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despite the land being declared bushfire prone from the 8/12/2015 inception of new bushfire regulation requirements.

3. Unauthorised Ablutions Block
 - a. Retrospective approval required for building and effluent disposal system.
4. Camping Ground/ Unauthorised Shade Structures
 - a. Retrospective approval required for shade structures (patios) and issue of Camping Ground approval/ licence.

Planning Framework

Local Planning Scheme No.5 (LPS5):

The subject site is zoned Rural 1 under LPS5. Objectives of the Rural 1 Zone (Clause 4.2) are to:

- *Provide for the sustainable use of land for a range of rural pursuits which are compatible with the capability of the land and retain the rural character and amenity of the locality.*
- *Provide that subdivision and development activities that generate/ propose alternative and incompatible land use should not be permitted.*
- *Provide for the retention and protection of portions of land within that zone that are not cleared and that are valuable to the rural and natural landscape values and ecological systems of the district.*

Clause 5.9.1 (a) In considering any rezoning, subdivision, or development within the Rural 1 zone the local government will have regard to whether the proposal may prejudice current or potential agricultural activities and production within the zone.

The permissibility of the proposed uses in the Zoning Table is as follows;

Caravan Park and Camping Ground	A (Discretionary with advertising)
Guesthouse	D (Discretionary)
Residential Building	A (Discretionary with advertising)
Restaurant	D (Discretionary)

Clause 5.11.11 of LPS5 stipulates that holiday accommodation uses require a minimum setback of 100m from the property boundaries. The standard setbacks for the Rural 1 zone for non-holiday accommodation use is 30m to the front, 15m to the side and 30m to the rear.

The existing buildings the subject of this proposal do not comply with the standard setback requirement of 30m. The approved Bed and Breakfast (proposed guesthouse and restaurant) is setback approximately 24m from the front boundary and the proposed bar/patio (existing approved outbuilding) is setback approximately 1.8m from the front boundary. A small number of proposed campsites are also setback less than 30m from the rear boundary.

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Clause 5.11.11 also stipulates a number of matters to be considered when determining an application for holiday accommodation. One of the matters relevant to this application is bushfire management (refer below).

Camping Ground (Nature Based Park):

The application is seeking approval for 12 campsites with vehicle access. This would provide for a maximum of 48 people. The campsites and proposed access will be located and aligned on cleared land. The camp site element of the proposal is proposed to be a 'nature-based park'. The *Caravan Parks and Camping Grounds Regulations 1997* define a nature-based park as follows;

"A facility in an area that

- a. Is not in close proximity to an area that is built up with structures used for business, industry or dwelling-houses at intervals of less than 100m for a distance of 500m or more;*
- b. Has been predominantly formed by nature; and*
- c. Has limited or controlled artificial light and noise intrusion."*

State Planning Policy 3.7- Planning in Bushfire Prone Areas (SPP 3.7):

SPP 3.7 applies as the subject site is designated as bushfire prone. The proposed uses are considered under SPP 3.7 as 'Vulnerable Land Uses'. As such, require the preparation of a Bushfire Attack Level (BAL) Assessment, Bushfire Management Plan (BMP) and Bushfire Emergency Evacuation Plan (BEEP), by an accredited bushfire practitioner to support and justify the application. These reports have been prepared on behalf of the Applicant by Envision Bushfire Protection (Appendix 12).

Clause 6.8 of SPP 3.7 requires that applications for vulnerable land uses should be referred to the Department of Fire and Emergency Services (DFES) for advice and comment. DFES comments are contained in the advertising section of this report and (Appendix 13).

Clause 6.11 of SPP3.7 stipulates that where a landowner/proponent has not satisfactorily demonstrated that the relevant policy measures have been addressed, responsible decision-makers should apply the precautionary principle to all development applications in designated bushfire prone areas. If a landowner/proponent cannot satisfy the performance principles of the relevant policy measure through either application of the acceptable solutions endorsed by the WAPC and DFES, the application may not be approved.

To assist with the assessment of the BAL, BMP and BEEP, the Shire engaged the expert advice of an independent bushfire practitioner to peer review the bushfire reports and assist with determining if the risk of bushfire can be appropriately managed for this development.

In determining an application for development approval within the bushfire prone area, the local government is to give due regard to SPP3.7. The decision maker has the ability to assess the application on its merits and determining of an application may involve the use of discretion, where innovative bushfire risk management solutions are proposed.

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SPP 3.7- Position Statement: Tourism land uses in bushfire prone areas:

The position statement recognises the importance of social and economic development of a region and stipulates alternative application of SPP3.7 for tourism land uses, where human safety can be satisfied. To be able to utilise the contingencies detailed in this Position Statement, a risk- based assessment needs to be undertaken. A key component of the risk assessment will be consideration of the broader landscape and the risk of a landscape scale fire. A heavily timbered area, such as a national park will present increasing challenges with landscape scale bushfires and safe evacuation.

Remote Camping Grounds: the use of remote camping grounds in high-risk bushfire prone areas is generally discouraged. Where improvements can be made to access, signage and shelter, some discretion may be applied. Improvements to access and shelter are not able to be made in the case of this application.

Tourism Day Uses: Vulnerability should be determined on a case-by-case basis. Where a proposal is located in a built-out area where visitors are familiar with the area, the use should not be considered as vulnerable. This is not the case for the proposed development, which is extremely remote with poor access.

Sheltering on Site: Early evacuation of visitors and staff should be the first consideration. Care must be taken to avoid creating a perception that sheltering on-site within an open space area will provide a degree of protection that aligns with it being a first resort option. When considering sheltering on site as an option it should be considered how long the open space area or building/s can accommodate visitors on the site, for scenarios where assistance is unable to reach the site quickly. Sheltering on site in the proposed open space area is not considered appropriate for this proposal.

Early Evacuation or Closure of a Facility: Consideration should be given to the closure of a tourism land use in response to a pre-determined fire danger rating and/or the issue of a total fire ban. In some scenarios, such as remote tourism land uses, it is acknowledged that closure may not be realistic for overnight facilities, however, could apply where there are incidental day uses.

Statutory and Policy Implications:

Planning and Development (Local Planning Schemes) Regulations 2015

- CI 67. Matters to be considered

Shire of Collie Local Planning Scheme No.5

- Rural 1 Zone Objectives
- Zoning Table
- Holiday Accommodation

Caravan Parks and Camping Ground Act 1997

- Nature Based Parks

State Planning Policy 3.7- Planning in Bushfire Prone Areas and Planning for Bushfire Risk Management Guidelines.

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Budget Implications:

Consultancy fee to Bushfire Prone Planning and no other budget implications.

Communications Requirements:

The proposal was advertised to two (2) nearby landowners, as well as the DFES and Department of Biodiversity Conservation and Attractions (DBCA).

The public advertising period ran from 18 January to 1 February 2021 and communications were made in the following ways:

- Letters mailed to adjoining landowners in proximity to the proposal;
- Letters mailed to relevant government agencies.

One submission was received from an adjoining landowner and two submissions were received from State agencies. Submissions have been summarised and attached in full in Appendix 13.

Strategic Community Plan/Corporate Business Plan Implications:

Goal 4: Our Built Environment

Outcome 4.1 Appropriate Land Use, Development and Heritage Conservation;

Strategy 4.1.1: Support and promote the conservation and maintenance of heritage buildings, sites and places of interest.

Comment:

Advertising

The application was advertised to two landowners in relatively close proximity to the subject site, also reliant on Yourdamung Road for access to their properties (not directly adjoining the site). One of the landowners provided a response to the Shire expressing concern that Yourdamung Road is not well maintained and that the increase in traffic over-time on Yourdamung Road due to the activities at Yourdamung Retreat have negatively impacted the condition of the road.

The DFES full submission is included in Appendix 13. The summary of the advice from DFES is that there is a potentially serious threat of bushfire to people, property and infrastructure which warrants a precautionary approach to decision making. The agency is not satisfied the performance principles of the relevant policy measures, including location, siting and design, vehicle access, water and evacuation, can be achieved for the proposed development as the bushfire hazard cannot be reduced to an acceptable level through the implementation of the BMP.

The DBCA also provided comments, as the management authority for the adjoining State Forest. The full submission is included in Appendix 13. General comments from DBCA was that the vegetation within the State Forest, adjacent to the subject site, would be considered to be an extreme bushfire hazard under the Planning for Bushfire Protection Guidelines. Properties adjacent to land considered to be an extreme bushfire hazard should always assume the land has heavy fuel loads and recognise the potential fire hazard of adjoining bushland.

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DBCA raised that although the BMP indicates closure of the facility during prohibited period, scheduling should allow for this period to be extended. Importantly, DBCA also raised that the BMP mentions accessibility to information for visitors and managers, however the phone reception in this area can at times be unreliable so the emergency messaging system may not be effective. Also worth noting is that DBCA has advised that the area surrounding the subject site has not been burnt or 30+ years, although there have been some fires in the area, it is a difficult site to control burn and may potentially have higher fuel loads than indicated in the BMP.

Although the Applicant has advised that use as a function centre and events venue is not part of this application, they have indicated that one off event applications may be submitted to the Shire in the future. Consequentially, the BMP has allowed for these once of events and DBCA has provided comments indicating that at a capacity of 600 people on the site, it would take 146 minutes to evacuate the site.

The Applicant's bushfire consultant was provided the DFES advice and was given the opportunity to provide comment and amend the BMP where required. The opportunity was also provided for the consultant to comment on the peer review. The responses have been detailed in Appendix 14.

State Planning Policy 3.7- Planning in Bushfire Prone Areas

Upon received conflicting advice from DFES and the applicant's bushfire consultant, the Shire sought peer review of the BMP and BEEP. Bushfire Prone Planning was engaged to provide the Shire with a review of the documents provided. The full review is included in Appendix 15, however the summary of the findings is that the potential bushfire threat to people and the facility cannot be managed to an acceptable level and the risks to people are not considered acceptable.

Yourdamung Road is a dead end, gravel sheeted road that provides single access through an extreme bushfire hazard (State Forest). The subject site is 7.2km from an intersection that provides two alternative routes of egress. The bushfire hazard and forest fuels will, in a bushfire event, start spot fire and multiple ignitions may occur impacting the road 2-3km apart. This has the potential to trap any people on the subject land.

The review highlighted that the landscape scale bushfire threat has not been appropriately analysed on the subject site. The site is located in an area that has the potential for intensification of bushfire behaviour leading to the development of an extreme bushfire event (a pyro-convective event) which;

- Increases the threat level of all bushfire attack mechanisms to an extreme level; and
- Adds the threat of pyrogenic winds and dry lightning strikes.

The BMP has indicated that the facility will be closed where the Fire Danger Index (FDI) exceeds 50 on extreme risk days. The strategic review identified that this may still be problematic, as the majority of destructive fire runs occur on very high danger days (FDI 32-49).

The outcome of the strategic review is that the BMP and BEEP documents do not establish a suitable basis on which a decisionmaker can confidently approve the

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development application and to allow vulnerable land uses in this remote location.

Local Planning Scheme No.5

Clause 67 of the Planning and Development (Local Planning Schemes) 2015, which forms part of the Shire's Local Planning Scheme sets out matters to be given due regard when determining applications for development approval. Three relevant items of Clause 67 apply to the proposal:

- (c) any approved State Planning Policy [in this matter SPP 3.7 Planning in Bushfire Prone Areas];
- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, land slip, bushfire, soil erosion, land degradation, or any other risk;
- (r) the suitability of the land for development taking into account the possible risk to human health or safety.

The proposed development site has been identified through designation as being bushfire prone and through the subsequent review of the BMP and BEEP, as not suitable for vulnerable land uses. This is due to the threat of bushfire and the possible risk to human life and safety in the event of a bushfire, where the risk cannot be adequately managed.

In regard to the non-compliance with development standards contained in LPS5 for both holiday accommodation and development in the Rural 1 zone, where it can be demonstrated that the development will not impact the amenity or character of the locality, or have adverse effects on adjoining properties, variations to Scheme requirements may be considered. The reduced setbacks to the existing structures would be unlikely to have an adverse impact on the locality.

It is important to note that this application is not for large events or a reception centre land use, therefore considering the impacts of increased traffic on Yourdamung Road is difficult to do as part of this application. The provision of 12 campsites (a possible 48 people) will have some impact on the use of the road, however, would be unlikely to cause major traffic impacts on the capability and function of Yourdamung Road. At present, the maintenance of the road is on a 6-8 week maintenance cycle.

Building Compliance

Non-compliance with the requirements of the Building Code of Australia cannot be considered when determining an application for development approval, as works can be undertaken to bring the existing buildings into compliance. However, it is important to note that the costs associated with the required works to ensure compliance are anticipated to be extensive for this development.

The property owner has acknowledged that if development approval was to be granted, the upgrades to the buildings would need to be undertaken, prior to the use of the buildings for the proposed purpose.

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Should Council resolve to refuse the application as recommended, the following compliance action is required to be taken on the property.

Building No.	Compliance Issues	Refusal Actions
1. Approved Shed (Unauthorised guesthouse fit out and additions)	<ul style="list-style-type: none"> • Unauthorised residential fitout (Class 1b). • Unauthorised kitchen and laundry extension. • Unauthorised (non-compliant) septic tank system; • No windows to habitable rooms; • Ceilings to habitable rooms not 2400mm; • No Smoke Alarms; • Damp proof membrane to slab to meet residential construction standards. • Energy efficiency compliance (i.e. wall, roof insulation, glazing, air movement) to be verified • Upgrade for BAL Construction needed (i.e. replace windows, bushfire screens, install full sarking beneath roof sheeting). May be too costly if BAL-40 or BAL-FZ; • Firewall needed between residence and Public Bar (Class 6 or 9b) use. 	<p>Via s.110 'Building Order':</p> <ul style="list-style-type: none"> • Remove unauthorised residential fit-out (i.e. internal walls, mezzanine floor, stair); • Demolish kitchen/laundry addition; • Pump out septic, break up bottom of tank and fill with sand; • Existing shed to be reinstated as originally approved for Class 10a.
2. Unapproved Patio/Bar Addition	<ul style="list-style-type: none"> • 130m2 unauthorised partially enclosed patio; • Usage intent appears to be for general public (i.e. Class 9b 'Public Bar' or Class 6 'retail/service'); • Not enough toilet facilities provided for patrons, including accessible facilities; • Timber sizes, spans, connections don't meet Timber Framing Code AS/NZS 1684.4. 	<p>Via s.110 'Building Order':</p> <ul style="list-style-type: none"> • Demolish entire 130sqm patio, including internal bar fitout; • Existing shed to be reinstated as originally approved for Class 10a.
4. Approved Bed and Breakfast/ Short Stay Accommodation	<ul style="list-style-type: none"> • Building only approved for Class 3 'Short Stay Accommodation'. No other use (i.e. restaurant, or function room) approved. • Introduction of Class 6 Restaurant or Class 9b function room will not be achievable for this Building – compliance will not be achievable without significant expense due to modifications needed for: 	<p>Existing building to be reconciled onsite against existing approved documentation to ensure no unauthorised works have been carried out.</p> <p>Remove any unauthorised additions via s.110 'Building Order' (if applicable).</p>

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	<ul style="list-style-type: none"> • Fire separation of accommodation rooms; • Bushfire construction compliance; • AS/NZS 1670.1 fire detection system upgrade; • Energy Efficiency. 	Building to remain as 'Short Stay Accommodation' (as approved) only. No further alternative usage (i.e. public access other than for guests lodging in building) permitted.
5. Stage	Stage – Approved as Class 6 (retail/service) use instead of Class 10a.	Building to remain as approved.
Other	Various Shade structures erected around the site	Remove shade structures >10m ² in area via s.110 'Building Order'
Other	Unauthorised Transportable Ablution block	Remove from site via s.110 'Building Order'

Further Advice Following Council Deferral

As directed by Council, officers have made further referrals to DFES and the Department of Planning, Lands and Heritage bushfire team, seeking advice on the proposal and to explore possible approval pathways. The full responses have been provided in Appendix 16.

In summary, the advice from both DPLH and DFES detailed that although retrospective, the proposal should be viewed as an intensification of land-use on the site and is therefore required to be assessed against State Planning Policy 3.7 Planning in Bushfire Prone Areas. The proposal does not comply with the intent, objectives, and policy measures of SPP3.7 or the bushfire protection criteria of the Guidelines. DFES also made comment that the proposed development is in an area of extreme bushfire risk making the location unsuitable for intensification and would increase the bushfire threat through the introduction of additional people, property, and infrastructure at the location. DPLH identified that in considering advice from DFES, the limited access and surrounding landscape risk, a way forward for the application is difficult to identify.

Officers investigated possible alternative access using Narembeen Road (not a gazetted road), however on inspection of the existing track this is not considered an appropriate route for emergency evacuation. Upgrades to this track would span approximately 12km and would require substantial clearing of State Forest, which even if supported by DBCA and DFES would take a considerable length of time. Narembeen Road is also not considered suitable as even if upgraded, it is unlikely it would be able to facilitate effective evacuation from the area at risk. Gazetted roads do not link further to the north, and the existing network of track do not provide a clear escape route.

The Applicant and associated consultants have been provided with the advice from DBCA and DFES and were given ample opportunity to meet with officers on site and present further solutions / management measures for the site. This has not been provided at the time of finalising this report.

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Conclusion

Further investigation and consultation as directed by Council has been undertaken by officers. The officer's recommendation has not changed from the previous report to Council.

The application proposes a significant intensification of activities, as well as introducing new, vulnerable land uses to the site. Development approval should not be granted for the intensification of uses, or the introduction of vulnerable land uses in areas of extreme bushfire risk, where the risk cannot be appropriately managed.

It is important to note that the recommendation to refuse the application does not impede the Applicant from operating the existing approved Bed and Breakfast. All activities and operations are to be in compliance with the development approval issued for the Bed and Breakfast use.

Following a long-standing history of non-compliance on the subject site, it is anticipated that the determination of this application will clarify for the applicant what uses may be conducted on the site in compliance with Shire approvals. While recognising that the proposal might support economic aspirations associated with Collie's transition away from coal related industries, human safety and non-compliance with relevant planning framework are critical considerations for the application. Given the inability of the applicant to demonstrate sufficiently safe arrangements, the application cannot be supported.

The Shire recognises that bushfire planning in Western Australia is under constant review and refinement by the DPLH and DFES, Tourism WA along with other input by WALGA, CSIRO and other formal government inquiries (such as the Tony Buti 2019 Bushfire Planning and Policy Review). Given the significance of bushfire threat on the Shire, officers will continue to work with these authorities and the Colle Delivery Unit to ensure that industrial, tourism and nature-based land use proposals can be considered in the context of alternative emergency planning arrangements (depending on the level of risk and location) where the full extent of the existing bushfire protection cannot be achieved.

Mr Tierney left the rooms at 8.16pm.

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10.3 Receipt of the Minutes of the Community Safety and Wellbeing Committee

8896

Recommendation/Council:

Moved: Cr Smith

Seconded: Cr Faries

That Council receives the minutes of the Community Safety and Wellbeing Committee held on 4 November 2021.

CARRIED 11/0

10.4 Adopt the Recommendations of the Community Safety and Wellbeing Committee

8897

Recommendation/Council Decision:

Moved: Cr Smith

Seconded: Cr Faries

That Council adopts en bloc the recommendations contained within the minutes of the Community Safety and Wellbeing Committee held on 4 November 2021;

8.1 That the Committee recommend that Council resolve to endorse the revised Terms of Reference for the Community Safety and Wellbeing Committee as presented at Appendix 2 with modifications identified by deleting text with ~~striketrough~~ and including underlined text.

CARRIED 11/0

10.5 Receipt of the Minutes of the Local Emergency Management Committee

8898

Recommendation/Council Decision:

Moved: Cr Faries

Seconded: Cr Italiano

That Council receives the minutes of the Local Emergency Management Committee held on 17 November 2021.

CARRIED 11/0

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10.6 Receipt of the Minutes of the Audit Committee

8899

Recommendation/Council Decision:

Moved: Cr Miffling

Seconded: Cr Smith

That Council receives the minutes of the Audit Committee held on 19 November 2021.

CARRIED 11/0

10.7 Adopt the Recommendations of the Audit Committee

8900

Recommendation/Council Decision:

Moved: Cr Miffling

Seconded: Cr Faries

That Council adopts en bloc the recommendations contained within the minutes of the Audit Committee held on 19 November 2021;

8.1 That Council resolve to endorse the revised Terms of Reference for the Audit Committee as presented at Appendix 2 with modifications identified by deleting text with ~~strike through~~ and including underlined text.

8.2 That Council resolve to receive the Financial Management Report for October 2021.

8.3 That Council receive and consider the Financial Health Indicator information as reported on the My Council website.

CARRIED 11/0

10.8 Receipt of the Minutes of the Tourism and Marketing Advisory Committee

8901

Recommendation/Council Decision:

Moved: Cr Woods

Seconded: Cr Italiano

That Council receives the minutes of the Tourism and Marketing Advisory Committee held on 24 November 2021.

CARRIED 11/0

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Cr Kearney has declared an Impartial Interest at Item 10.9.

10.9 Adopt the recommendation of the Tourism Marketing Advisory Committee

Recommendation:

That Council adopts en bloc the recommendations contained within the minutes of the Tourism and Marketing Advisory Committee held on 24 November 2021;

8.1 That the Committee recommend that Council resolve to adopt the amended Terms of Reference for the Tourism and Marketing Advisory Committee.

8.2 That the Committee recommend that Council resolve to:

1. Develop a position description for a Tourism and Marketing Coordinator position in collaboration with the Collie Visitor Centre for a fixed term appointment in order to progress the actions of the Collie Tourism Marketing Strategy and other tourism initiatives;
2. Incorporate terms in the Service Level Agreement with the Collie Visitor Centre that reflect the role of the Visitor Centre in the management and oversight of a Tourism and Marketing Coordinator;
3. Investigate opportunities for funding assistance for the position of Tourism and Marketing Coordinator;
4. Authorize the commencement of the recruitment process for a Tourism and Marketing Coordinator in collaboration with the Collie Visitors Centre at the appropriate time budget/funding, position description have been established; and
5. Consider the necessary budget amendment at the mid-year budget review for the purpose of the appointment.

Council decided to remove point 4 at 8.2 of the Tourism and Marketing Advisory Committee recommendation.

8902

Moved: Cr Stanley

Seconded: Cr Faries

That the substantive motion be amended to amend the terms of reference to include industry representation.

LOST 8/3

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8903

Council Decision:

Moved: Cr Italiano

Seconded: Cr Smith

That Council adopts en bloc the recommendations contained within the minutes of the Tourism and Marketing Advisory Committee held on 24 November 2021;

8.1 That the Committee recommend that Council resolve to adopt the amended Terms of Reference for the Tourism and Marketing Advisory Committee.

8.2 That the Committee recommend that Council resolve to:

- 1. Develop a position description for a Tourism and Marketing Coordinator position in collaboration with the Collie Visitor Centre for a fixed term appointment in order to progress the actions of the Collie Tourism Marketing Strategy and other tourism initiatives;**
- 2. Incorporate terms in the Service Level Agreement with the Collie Visitor Centre that reflect the role of the Visitor Centre in the management and oversight of a Tourism and Marketing Coordinator;**
- 3. Investigate opportunities for funding assistance for the position of Tourism and Marketing Coordinator;**
- 5. Consider the necessary budget amendment at the mid-year budget review for the purpose of the appointment.**

CARRIED 11/0

Mr Miller left the room at 9.00pm and returned at 9.02pm.

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11. CEO REPORTS

Cr White left the room at 9.10pm and returned at 9.11pm.

Cr Kearney has declared an Impartial Interest at Item 11.1.

11.1 Interim Waste Processing Fee Agreement

Reporting Department:	Chief Executive Office
Reporting Officer:	Stuart Devenish – Chief Executive Officer
Accountable Manager:	Stuart Devenish – Chief Executive Officer
Legislation	<i>Local Government Act 1995</i>
File Number:	A4792
Appendices:	Appendix 1 - Draft Processing Fee Agreement
Voting Requirement	Simple Majority

Report Purpose:

To consider entering into a waste processing fee agreement with Renergi to enable to continued progress of the initiative.

8904

Officer's Recommendation/Council Decision:

Moved: Cr Faries

Seconded: Cr Smith

That Council resolve to authorise the Chief Executive Officer to negotiate final terms of, and execute an Interim Waste Processing Fee Rate agreement with Renergi Pty Ltd.

CARRIED 11/0

Background:

As Council is aware, Renergi has developed a proposal to convert combustible municipal solid waste into value-added products. The plant is to occupy a portion of the Shire landfill site and operate in conjunction with the Shire's waste management services.

To date, the Shire has entered into a 'Waste Development Agreement and Agreement for Lease'. Under the terms of this agreement, a range of further agreements and approvals are required. This includes an Operational Agreement which is to address the commercial and other terms necessary between the Shire and Renergi. Importantly, this includes an amount that the Shire will pay to Renergi to take and process municipal waste (waste processing fee agreement).

Renergi's funding arrangements with the Federal and State Governments require certain milestones to be achieved by 31 December 2021. This includes a waste processing fee agreement.

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The complexities involved in determining the fee that the Shire should pay to Renergi are now recognised, and a rate cannot be finalised in the short term. In this circumstance, Renergi propose an agreement (refer Appendix 1) that sets an interim waste processing fee. This is a fee rate that the Shire will pay Renergi for processing waste on an interim basis until such time as actual costs are determined and a recalculated fee established. Any differences between the interim and recalculated rates can be retrospectively reimbursed as required. The proposed rate is \$85 per tonne. This compares favourably for the Shire to a previously referenced rate of \$100 per tonne.

Statutory and Policy Implications:

N/A

Budget Implications:

The budget terms for 2022/23 will need to provide for waste processing fees payable to Renergi.

It should be noted that no payments are made by the Shire until the waste service is provided by Renergi after a commissioning period. The service is expected to commence in year 2023. The amounts paid to Renergi are to be offset by savings made by the Shire in not having to process waste. In this way, the arrangement is at least cost neutral, if not advantageous to the Shire.

Communications Requirements: (Policy No. CS 1.7)

N/A

Strategic Community Plan/Corporate Business Plan Implications:

The Strategic Community Plan and Corporate Business Plan seek to achieve the effective waste diversion and recovery.

Relevant Precedents:

N/A

Comment:

The recommendation will enable Renergi to meet milestone obligations and for the project to advance. An interim fee rate agreement is consistent with the intent of the established agreement with the Shire and provides adequate protections to ensure the Shire is not exposed to financial or operational risks. Authority to allow further negotiations and execution of an agreement is recommended accordingly.

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12. CORPORATE SERVICES REPORTS

Cr Faries has declared an Impartial Interest at Item 12.1.

12.1 Fee waiver - Swimming Lesson

Reporting Department:	Corporate Services
Reporting Officer:	Hasreen Mandry – Finance Manager
Accountable Manager:	Allison Fergie – Director Corporate Services
Legislation:	<i>Local Government Act 1995</i>
File Number:	FIN/005
Appendices:	No
Voting Requirements:	Absolute Majority

Report Purpose:

For Council to consider waiving \$1 (including GST) per lesson for in-term swimming lessons held at the Collie Mineworkers Memorial Pool from October 2021 till December 2021.

8905

Officer's Recommendation/Council Decision:

Moved: Cr White

Seconded: Cr Italiano

That Council by ABSOLUTE MAJORITY waives \$1 (including GST) per lesson for in-term swimming lessons held at the Collie Mineworkers Memorial Pool from October 2021 till December 2021.

CARRIED 11/0

Background:

The Swimming Pool section on the Shire website stated the incorrect fees for swimming lessons for the 2021/22 financial which Amaroo Primary School and Fairview Primary School referred to when setting their charges for in-term swimming lessons (Term 4, 2021).

The website has now been updated with reference to all Council fees and charges to one central document. However, the schools are requesting a waiver of the \$1 per swimming lesson as they will otherwise be out of pocket for the difference.

Statutory and Policy Implications:

Section 6.16 of the *Local Government Act 1995*

- 3) Fees and charges are to be imposed when adopting the annual budget but may be
- (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.

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* Absolute majority required.

Budget Implications:

An approximate reduction in revenue of \$3,391 (Amaroo Primary School, Fairview Primary School and Collie Early Education). Year to date revenue for the pool is \$5,143 more than budgeted year to date so a budget amendment is not required.

Communications Requirements: (Policy No. CS 1.7)

The relevant parties will be notified of Council's decision and invoiced accordingly.

Strategic Community Plan/Corporate Business Plan Implications:

KEY OBJECTIVE 5.0

Our Business

Good governance and an effective, efficient and sustainable organisation.

Outcome 5.3:

Financial sustainability and accountability, with emphases on the below strategy;5.3.5, provide corporate financial services that support the Shires operations and meet planning, reporting and accountability requirements.

Relevant Precedents:

Nil

Comment:

As the error was made by the Shire whilst updating the website, it is only appropriate for the waiver to be applied to all swimming lessons conducted at the Collie Mineworkers Memorial Pool from October 2021 till December 2021.

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12.2 Collie Mineworkers Memorial Swimming Pool Kiosk

Reporting Department:	Corporate Services
Reporting Officer:	Allison Fergie - Director Corporate Services
Accountable Manager:	Allison Fergie - Director Corporate Services
Legislation	<i>Local Government Act 1995</i>
File Number:	RCS/002
Appendices:	No
Voting Requirement	Simple Majority

Report Purpose:

For Council to consider a twelve-month extension to the arrangement for the operation of the kiosk at the Collie Mineworkers Memorial Swimming Pool.

8906

Officer's Recommendation/Council Decision:

Moved: Cr Scoffern

Seconded: Cr Harverson

That Council authorise the Pool Manager to continue to operate the kiosk at the Collie Mineworkers Memorial Swimming Pool for the 2021/22 season with the following conditions:

- **\$100 per month to be paid for utilities; and**
- **To liaise with the Environmental Health Officer regarding the supply of any foods that are not pre-packaged.**

CARRIED 11/0

Background:

When the Collie Mineworkers Memorial Swimming Pool was re-furnished the new entrance building provided space for basic kiosk services for patrons of the Pool.

These services have historically been provided by the Manager of the Pool, however at its meeting held 22 August 2017 Council resolved:

7535 - That Council invite Expressions of Interest for the operation of the kiosk at the Collie Mineworkers Memorial Swimming Pool for a term of 1 year with a 1 year option.

Expressions of interest were invited through public notice in the Collie Mail on 31 August 2017 and 7 September 2017, and on the Shire's website. At the closing date for submissions no responses were received. At the time the Pool Manager indicated that he was willing to continue with the existing arrangement which provided a basic kiosk.

At its meeting held 14 November 2017 Council resolved:

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7641 – That Council authorise the Pool Manager to continue to operate the kiosk at the Collie Mineworkers Memorial Swimming Pool with the following conditions:

- Term to be for 3 years;*
- \$100 per month to be paid for utilities; and*
- To liaise with the Environmental Health Officer regarding the supply of any foods that are not pre-packaged*

Statutory and Policy Implications:

Nil

Budget Implications:

The Pool Manager pays \$100 per month to the Shire towards the cost of electricity.

Communications Requirements: (Policy No. CS 1.7)

Advise Pool Manager of Council decision.

Strategic Community Plan/Corporate Business Plan Implications:

GOAL 1: OUR COMMUNITY – A vibrant, supportive and safe community

Outcome 1.2: Participation in sport, recreation and leisure opportunities.

Strategy 1.2.1: Provide and promote sport, recreation and leisure facilities and programs.

Relevant Precedents:

Council has previously resolved to authorise the Pool Manager to operate a basic kiosk at the Pool.

Comment:

It is considered desirable that pool patrons be able to access light refreshments while they are attending the pool.

The benefit to the Shire is that the Pool Manager who currently operates the kiosk is present for many additional hours during busy periods at the Pool, thereby providing back up to the duty Pool Manager if required.

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12.3 Accounts Paid – October 2021

Reporting Department:	Corporate Services
Reporting Officer:	Hasreen Mandry – Finance Manager
Accountable Manager:	Allison Fergie – Director of Corporate Services
Legislation:	<i>Local Government Act 1995 & Financial Management Regulations 1996</i>
File Number:	FIN/024
Appendices:	Appendix 2 – Accounts Paid - October 2021
Voting Requirement	Simple Majority

Report Purpose:

To present the accounts paid during the months of October 2021.

8907

Officer's Recommendation/Council Decision:

Moved: Cr Faries

Seconded: Cr White

That Council accepts the Accounts as presented in Appendix 2 being vouchers 41817-41821 totalling \$2,587.35 and direct payments totalling \$633,745.89 authorised and paid in October 2021.

CARRIED 11/0

Cr Faries

EFT32446 – Outdoor World – \$9,390.00 - Completion of Allanson Bushfire Brigade Shed – What is this amount for at the Brigade Building?

Mr Young took this question on notice.

EFT32458 – Coates Hire - \$479.54 – Hire of 500kg plate compactor draining works Wellington Dam – Why have we hired a compactor when we have a compactor?

Mr Miller took this question on notice.

Background:

In accordance with Delegation 14 adopted by Council on 10 August 2021, the Chief Executive Officer (CEO) is authorised to incur expenditure in accordance with the Annual Budget provisions and limited over-expenditure subject to subsequent budget amendment. In doing so, section 13 of the *Financial Management Regulations 1996* is to be adhered to with a list of accounts for approval to be presented to the Council each month.

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Month	2021/22		
	Cheques	Electronic Transfer	Total Payment
July	\$892.50	\$1,223,621.35	\$1,224,513.85
August	\$894.15	\$965,386.72	\$996,280.87
September	\$1,395.45	\$791,284.41	\$791,284.41
October	\$2,587.35	\$633,745.89	\$636,333.24
November			
December			
January			
February			
March			
April			
May			
June			

Statutory and Policy Implications:

WA Local Government Act 1995

Financial Management Regulations 1996

Council Policy CS3.7 relates to the payment of Creditors, and in particular item 5.0 which relates to the presentation of accounts paid.

A list of all accounts paid shall be presented to Council within two months. The list shall comprise of details as prescribed in the *Local Government Financial Management Regulations 1996*.

Budget Implications:

All liabilities settled have been in accordance with the Annual Budget provisions.

Communications Requirements: (Policy No. CS1.7)

Nil

Strategic Community Plan/Corporate Business Plan Implications:

Nil

Relevant Precedents:

Comment:

For a detailed listing of payments see Appendix 2.

Any questions relating to the accounts please forward prior to the meeting for clarification.

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12.4 Accounts Paid – November 2021

Reporting Department:	Corporate Services
Reporting Officer:	Hasreen Mandry – Finance Manager
Accountable Manager:	Allison Fergie – Director of Corporate Services
Legislation:	<i>Local Government Act 1995 & Financial Management Regulations 1996</i>
File Number:	FIN/024
Appendices:	Appendix 3 – Accounts Paid - November 2021
Voting Requirement	Simple Majority

Report Purpose:

To present the accounts paid during the months of November 2021.

8908

Officer's Recommendation/Council Decision:

Moved: Cr Scoffern

Seconded: Cr Faries

That Council accepts the Accounts as presented in Appendix 3 being vouchers 3226- 3230 and 41830-41835 totalling \$1,753.60 and direct payments totalling \$494,393.69 authorised and paid in November 2021.

CARRIED11/0

Cr Italiano

EFT32499 – Bang the Table - \$8,910.00 – Yearly Survey Subscription Fee – Is it time to for a new quote for this service?

Mrs Mandry took this question on notice.

Background:

In accordance with Delegation 14 adopted by Council on 10 August 2021, the Chief Executive Officer (CEO) is authorised to incur expenditure in accordance with the Annual Budget provisions and limited over-expenditure subject to subsequent budget amendment. In doing so, section 13 of the *Financial Management Regulations 1996* is to be adhered to with a list of accounts for approval to be presented to the Council each month.

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Month	2021/22		
	Cheques	Electronic Transfer	Total Payment
July	\$892.50	\$1,223,621.35	\$1,224,513.85
August	\$894.15	\$965,386.72	\$996,280.87
September	\$1,395.45	\$791,284.41	\$791,284.41
October	\$2,587.35	\$633,745.89	\$636,333.24
November	\$1,753.60	\$494,393.69	\$496,147.29
December			
January			
February			
March			
April			
May			
June			

Statutory and Policy Implications:

WA Local Government Act 1995

Financial Management Regulations 1996

Council Policy CS3.7 relates to the payment of Creditors, and in particular item 5.0 which relates to the presentation of accounts paid.

A list of all accounts paid shall be presented to Council within two months. The list shall comprise of details as prescribed in the *Local Government Financial Management Regulations 1996*.

Budget Implications:

All liabilities settled have been in accordance with the Annual Budget provisions.

Communications Requirements: (Policy No. CS1.7)

Nil

Strategic Community Plan/Corporate Business Plan Implications:

Nil

Relevant Precedents:

Comment:

For a detailed listing of payments see Appendix 3.

Any questions relating to the accounts please forward prior to the meeting for clarification.

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12.5 Financial Report – October 2021

Reporting Department:	Corporate Services
Reporting Officer:	Hasreen Mandry – Finance Manager
Accountable Manager:	Allison Fergie – Director of Corporate Services
Legislation:	<i>Local Government Act 1995 & Financial Management Regulations 1996</i>
File Number:	FIN/024
Appendices:	Appendix 4 – Financial Report - October 2021
Voting Requirement	Absolute Majority

Report Purpose:

To provide a summary of the Financial Position for the Shire of Collie for the month ending October 2021.

8909

Officers Recommendation/Council Decision:

Moved: Cr Miffing

Seconded: Cr Kearney

That Council resolve by Absolute Majority to accept the Financial Management Report for October 2021 as presented in Appendix 4.

CARRIED 11/0

Background:

In accordance with Council policy and the provisions of the *Local Government Act 1995*, the Financial Report and budget amendments required for the end of the period is presented to Council for information. Refer to Appendix 4.

Statutory and Policy Implications:

Local Government Act 1995
Financial Management Regulations 1996

Budget Implications:

Nil

Communications Requirements: (Policy No. CS1.7)

Nil

Strategic Community Plan/Corporate Business Plan Implications:

Nil

Relevant Precedents:

N/A

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Comment:

In accordance with the *Local Government (Financial Management) Regulations 1996* (Regulation), a monthly financial report must be compiled on variances greater than the percentage agreed by Council, which for the 2021/22 financial year is plus or minus 10% or \$10,000.

The financial statements provided in Appendix 4 reports on the following information for the reporting period:

- Snapshot of the overall financial performance
- Financial Activity by Nature and Type
- Statement of Comprehensive Income by Program
- Statement of Financial Position
- Material Variances
- Budget Amendments
- Cash and Investments
- Reserve and Trust balances
- Capital Projects
- Other Projects
- Borrowings & Advance
- Leases
- Asset Disposals
- Receivables & Payables

For reporting period October 2021, it is to be noted that total cumulative revenue is 20% under the year-to-date budget and total cumulative expenditure is 37% under the year-to-date budget.

	Full Year Budget	YTD Budget	YTD Actual	YTD Comparison
Operating Revenue	12,660,046	9,675,808	8,693,136	under
Capital Revenue	7,964,167	1,306,769	128,490	under
Financing Revenue	380,249	11,089	11,089	

	Full Year Budget	YTD Budget	YTD Actual	YTD Comparison
Operating Expenditure	14,135,681	5,274,527	3,765,104	under
Capital Expenditure	7,810,138	1,302,365	356,361	under
Financing Expenditure	1,407,987	46,114	46,114	

Commentary for the material variances is provided at account level which are identified on pages 8-10 of Appendix 4.

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12.6 Financial Report – November 2021

Reporting Department:	Corporate Services
Reporting Officer:	Hasreen Mandry – Finance Manager
Accountable Manager:	Allison Fergie – Director of Corporate Services
Legislation:	<i>Local Government Act 1995 & Financial Management Regulations 1996</i>
File Number:	FIN/024
Appendices:	Appendix 5 – Financial Report - November 2021
Voting Requirement	Absolute Majority

Report Purpose:

To provide a summary of the Financial Position for the Shire of Collie for the month ending November 2021.

8910

Officers Recommendation/Council Decision:

Moved: Cr Scoffern

Seconded: Cr Faries

That Council resolve by Absolute Majority to accept the Financial Management Report for November 2021 as presented in Appendix 5.

CARRIED 11/0

Background:

In accordance with Council policy and the provisions of the *Local Government Act 1995*, the Financial Report and budget amendments required for the end of the period is presented to Council for information. Refer to Appendix 5.

Statutory and Policy Implications:

Local Government Act 1995
Financial Management Regulations 1996

Budget Implications:

Nil

Communications Requirements: (Policy No. CS1.7)

Nil

Strategic Community Plan/Corporate Business Plan Implications:

Nil

Relevant Precedents:

N/A

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Comment:

In accordance with the *Local Government (Financial Management) Regulations 1996* (Regulation), a monthly financial report must be compiled on variances greater than the percentage agreed by Council, which for the 2021/22 financial year is plus or minus 10% or \$10,000.

The financial statements provided in Appendix 5 reports on the following information for the reporting period:

- Snapshot of the overall financial performance
- Financial Activity by Nature and Type
- Statement of Comprehensive Income by Program
- Statement of Financial Position
- Material Variances
- Budget Amendments
- Cash and Investments
- Reserve and Trust balances
- Capital Projects
- Other Projects
- Borrowings & Advance
- Leases
- Asset Disposals
- Receivables & Payables

For reporting period November 2021, it is to be noted that total cumulative revenue is 21% under the year-to-date budget and total cumulative expenditure is 39% under the year-to-date budget.

	Full Year Budget	YTD Budget	YTD Actual	YTD Comparison
Operating Revenue	12,660,046	9,735,495	9,043,734	under
Capital Revenue	7,964,167	1,843,769	128,490	under
Financing Revenue	380,249	11,089	11,089	

	Full Year Budget	YTD Budget	YTD Actual	YTD Comparison
Operating Expenditure	14,135,681	6,621,514	4,488,129	under
Capital Expenditure	7,810,138	2,652,968	497,645	under
Financing Expenditure	1,407,987	46,114	46,114	

Commentary for the material variances is provided at account level which are identified on pages 8-11 of Appendix 5.

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13. DEVELOPMENT SERVICES REPORTS

13.1 Local Planning Policy LPP4.2 – Advertising and Signage – Consent to Advertise

Reporting Department:	Development Services
Reporting Officer:	Katya Tripp
Accountable Manager:	Matt Young – Director Development Services
Legislation	<i>Planning and Development (Local Planning Schemes) Regulations 2015.</i>
File Number:	CRL/006
Appendices:	Appendix 6 - LPP 4.2 Advertising and Signage
Voting Requirement	Simple Majority

Report Purpose:

For Council to consider a reviewed Local Planning Policy 4.2 – Advertising and Signage.

8911

Officer's Recommendation/Council Decision:

Moved: Cr Faries

Seconded: Cr White

That Council resolve in accordance with part 2, clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015 to:

- 1. Authorise officers to advertise for public comment, the proposed draft Local Planning Policy 4.2 – Advertising and Signage for a period of 21 days;**
- 2. Subject to no objections being received during the advertising process, proceed with the policy without modification; and**
- 3. Subject to 2. Above, authorise officers to publish a notice of the amended local planning policy 4.2 plus a notice of revocation of the current local planning policy 4.2.**

CARRIED 11/0

Background:

The new Local Planning Scheme No. 6 is due to be gazetted before the Parliament breaks for Christmas 2021.

Exemptions and development requirements for signage and advertising that are present in the current Local Planning Scheme No. 5 (the scheme) were excluded from the new scheme with the intention that these would be covered by a revised local planning policy.

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Therefore, the current local planning policy (LPP) for advertising and signage has been reviewed to include exemptions and all development requirements previously covered by the Scheme. The reviewed LPP 4.2 Advertising and Signage is now presented for consideration and consent to advertise.

Statutory and Policy Implications:

This reviewed local planning policy 4.2 will replace the advertising and signage provisions in the current local planning Scheme No. 5 as well as the current LPP 4.2.

The preparation and adoption of adopt a Local Planning Policy is made in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015* (the Regulations).

Under Schedule 2, Part 2 of the Deemed Provisions of the Regulations, the Shire must have regard to a local planning policy in determining a development application.

As LPP 4.2 – Advertising and Signage currently exists this will need to be revoked via a public notice in accordance with Cl. 87 of the Regulations.

Budget Implications:

Associated advertising and public notice costs.

Communications Requirements:

The policy will undergo public advertising in accordance with Clause 4 of the Regulations for a period of 21 days.

The advertising of the draft LPP4.2 satisfies the following objectives of Council Policy CS 1.7:

1. *Providing regular and consistent communication on Council's projects and activities to all stakeholders;*
2. *Creating a positive and professional image for the Shire of Collie through open, transparent communication and increased awareness of Council's projects and activities; and*
3. *Fostering meaningful community consultation processes in Council's activities.*

If any submissions are received on draft LPP4.2 it will be re-presented to Council for consideration.

Strategic Community Plan/Corporate Business Plan Implications:

Goal 4: Our Built Environment

Outcome 4.1 - Appropriate Land Use, Development and Heritage Conservation;
Strategies:

- 4.1.1 - *Ensure appropriate planning controls for land use and development;*
- 4.1.2 - *Promote the development of high quality residential development;*
- 4.1.3 - *Support and promote the conservation and maintenance of heritage buildings, sites and places of interest; and*
- 4.1.5 - *Ensure buildings and structures (residential and non-residential) are safe and built to required standards.*

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Relevant Precedents:

Council reviews and considers new local planning policies on a regular and ongoing basis as required.

Comment:

The reviewed LPP4.2 aims to:

- Ensure that signage and advertisements cater to the marketing needs of business;
- Enhance the visitor experience through consistent tourist and directional signage that assists visitors to navigate smoothly, safely and easily around the region;
- Ensure that signs erected or displayed in the Shire of Collie are appropriate to their location and function;
- Ensure a consistent approach to applications for Advertising and Signage within the Shire of Collie;
- Encourage restraint in the scale, size and collective amount of signage installed, in order to minimise visual clutter, protect visual amenity and heritage significance or character of the locality;
- To ensure that any advertising erected or displayed on buildings are sympathetic to the architectural style and appearance of the building, as well as the character of the local development area and/or the streetscape; and
- Clarify when signage is not generally considered development and therefore does not require development approval;

LPP 4.2 contains self-assessable/exempt signage and advertisements. It covers general land use and development requirements for signage and advertising as well as specific development standards for a multitude of different signs and advertisements.

The policy will apply to all proposals for advertising and signage across all zoned and reserved land within the Shire of Collie.

Officers request that the draft policy is approved for advertising and that if no submissions are received Council agree to proceed with the policy without modification and subsequently advertise a notice of the final policy and revoke the current policy. If any submissions are received on the draft policy it will be re-presented to Council for consideration.

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Cr Kearney has declared an Impartial Interest at Item 13.2.

Cr Woods left the room at 9.59pm and returned at 9.59pm.

13.2 Collie Wambenger Trails Signage Locations

Reporting Department:	Development Services Department
Reporting Officer:	Matt Young - Director of Development Services
Accountable Manager:	Matt Young - Director of Development Services
Legislation	<i>Local Government Act 1995 – Section 3.57 Local Government Function (Function & General) Regulations 1996</i>
File Number:	LUP/053
Appendices:	Appendix 7 - Trailhead Detail Appendix 8 - Trailhead Locations
Voting Requirement	Simple Majority

Report Purpose:

To seek Council endorsement of the proposed CBD locations and detail of the Collie Wambenger trail signage.

Cr Scoffern amended the substantive recommendation but this lapsed through want of a seconder to the motion.

Moved: Cr Scoffern

Seconded:

That Council resolve to:

1. endorse the two nominated locations in the CBD for the installation of Collie Wambenger trails signage as shown within the report, namely at the Collie Visitor Centre and Central Park: and
2. investigate a third location from in front of KFC and Ampol, to in front of the Replica Railway Station
3. authorise staff to work with DBCA towards finalising the design of the signage and subsequent installation.

LAPSED

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Officer's Recommendation/Council Decision:

Moved: Cr Faries

Seconded: Cr Italiano

That Council resolve to:

- 1. endorse the three nominated locations in the CBD for the installation of Collie Wambenger trails signage as shown within the report, namely at the Collie Visitor Centre, Central Park and Throssell Street; and**
- 2. authorise staff to work with DBCA towards finalising the design of the signage and subsequent installation.**

CARRIED 11/0

Background:

At its April meeting, Council resolved to:

1. *endorse the three (3) nominated locations in the CBD for the installation of Collie Wambenger trails signage as shown on the attached plan which includes.*
 - Collie Visitor Centre
 - Central Park
 - Throssell St
2. *authorise staff to work with DBCA towards finalising the design of the signage and subsequent installation.*

The Collie Wayfinding Signage Strategy is a \$600,000 Royalties for Regions project funded through Department of Biodiversity, Conservation and Attractions to deliver the project in conjunction with other tourism investments such as the Wambenger Trails (Collie Adventure Trails) project.

Final detailed design is now available for Council's consideration.

Statutory and Policy Implications:

Nil

Budget Implications:

The Collie Wayfinding Signage Strategy is funded by the State Government. There is no financial contribution required from Council, however there will need to be some in-kind work carried out, such as relocating sprinklers etc. that can be funded from existing operational budgets.

Communications Requirements: (Policy No. CS 1.7)

The Collie Wayfinding Signage Strategy and *Wambenger Trails Signage Style Guide* were both presented and discussed at the Trails Panel meeting on the 24 February 2021.

Strategic Community Plan Implications:

The item has the following links with the Strategic Community Plan 2017-2027.

OUTOME 2.3 A growing tourism industry

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Strategy 2.3.2: support local and regional tourism destination management including marketing initiatives that provide local tourism growth.

Relevant Precedents:

Nil

Comment:

The initial location of the Wambenger Trail Head nominated by DBCA was in Central Park adjacent to the Senior Citizens entrance. This location was away from the main foot traffic area of Central Park and would not have been seen by many visitors to Collie. In addition, if this area was used as a trail head and visitors were encouraged to park their vehicles before heading out to the trail then this could have had a negative impact on the Senior Citizens centre as their clients also rely on the proximity of this parking. Based on this feedback, staff undertook a review with DBCA of the other potential sites with the Wayfinding Strategy.

Shire staff undertook a site visit to review the signage locations nominated in the Wayfinding Strategy. Rather than just focusing on one location for a major installation, which could be missed by visitors to town, it was decided to nominate medium size installations that could be more easily accommodated and be placed in strategic areas where visitors already are observed to congregate or will congregate in the future. Other second level trail signage will also be installed in other locations, such as Soldier's Park where the actual trails commence.

Signage Design

The final design of the signage is close to complete, based on the indicative sketch showing the overall concept. There will be additional elements added such as information panels on all trails, local information and directions to other apps, a large Wambenger sculpture, bike racks and bike repair stands.

The trail head structure is approx. 8m x 2m and will sit upon a concrete base. The stylised design will be consistent with all other related trail signage. Other older trail signage will be removed by the DBCA.



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Location 1 – Collie Visitors Centre

The Collie Visitors Centre is often the first stop for many visitors to town and provides an opportunity to share information about the many attractions in and around Collie. There are some existing trail information signs that would be replaced with newly branded Wambenger Trails signs that would cover all the trails in and around Collie.

The submitted design is to locate the trailhead sign close to the entrance of the Visitor's Centre, however the centre's staff prefer the sign to be located in the grassed u-shaped area in the road verge as indicated in yellow below. This site was originally supported by the DBCA and is supported by officers.



Location 2 – Central Park

Central Park is popular with visitors to town due to its proximity to shopping and retail outlets and is also used for holding major events. Many visitors to town are observed waiting around the Wagon waiting for a coffee, and this would showcase the other trails and attractions in and around Collie. The Wambenger trails signage would also provide additional shelter and some seating which would be useful when there is inclement weather.

The trailhead sign should be located towards the rear of the park (shown in yellow), towards the railway line, but this would be less prominent and may not serve its purpose of creating a clear and identifiable focal point.

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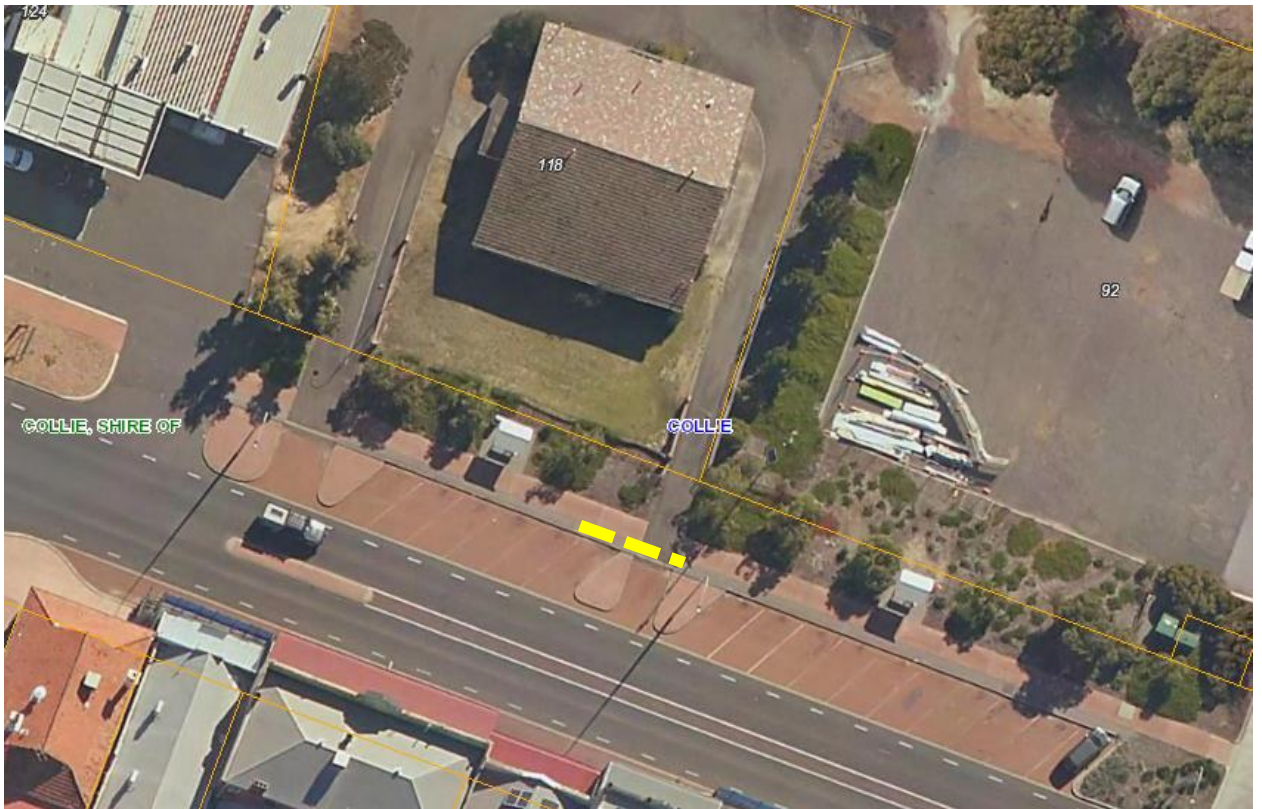
Location 3 - Throssell St

Throssell St was identified as the third location for the installation of Wambenger trails signage. This is seen as an opportunity to advertise the attractions in and around Collie, especially to those travellers that would otherwise just pass-through town. The size of the trailhead sign in this location would need to be smaller than the above two signs being in front of McDonalds and the new KFC which has lodged its development application plans.

The signage is best located adjacent to the footpath and between the existing shelters close to the old pedestrian access point. This pedestrian access is to be relocated with the new KFC development.

Preliminary discussions with the owners of the Ampol Garage and KFC adjacent have been positive.

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Item 13.3 brought forward due to interest by attending persons.

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13.4 Local Planning Policy – Design Review – Consent to Advertise

Reporting Department:	Development Services
Reporting Officer:	Katya Tripp
Accountable Manager:	Matt Young – Director Development Services
Legislation	<i>Planning and Development (Local Planning Schemes) Regulations 2015.</i>
File Number:	GVR/050
Appendices:	Appendix 17 - LPP 2.11 Design Review
Voting Requirement	Simple Majority

Report Purpose:

For Council to consider new Local Planning Policy 2.11 – Design Review.

8913

Officer’s Recommendation/Council Decision:

Moved: Cr Miffing

Seconded: Cr Harverson

That Council in accordance with part 2, clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015:

- 1. Authorise officers to advertise for public comment, the proposed draft Local Planning Policy 2.11 Design Review for a period of 21 days;**
- 2. Subject to no objections being received during the advertising process, proceed with the policy without modification; and**
- 3. Subject to 2. above, authorise officers to publish a notice of the final adopted local planning policy.**

CARRIED 11/0

Background:

At the 14 September 2021 Ordinary Council Meeting Council resolved to:

Motion #8820

That Council resolve to:

- 1. endorse the Shire of Collie’s membership to the (to be established) South West Joint Design Review Panel;**
- 2. authorise the Chief Executive Officer to enter a memorandum of understanding with other participating South West local governments for the establishment, operation and management of a South West Joint Design Review Panel;**
- 3. authorise the Chief Executive Officer to finalise and approve the Terms of Reference**

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- with other participating South West local governments for the operation and management of a South West Joint Design Review Panel;
4. note a budget allocation request of \$2600 for the 21/22 financial year to fund the use of a South West Joint Design Review Panel on an as needed basis; and
 5. include South West Joint Design Review Panel sitting fees in the 21/22 Schedule of Fees and Charges at \$2100 per meeting or proportionate cost incurred where an agenda is shared.

Officers are still working with the other local governments' to finalise a memorandum of understanding and terms of reference for the South West Joint Design Review Panel. Both documents are in their final drafts and it is expected that these will be finalised within a few months.

Officers now present a draft local planning policy to:

1. Establish a relationship between the design review and development assessment processes;
2. Outline the types of matters that will require design review;
3. Outline the process on fees and charges.

Statutory and Policy Implications:

State Planning Policy 7.0 – Design of the Built Environment - This policy sets out the objectives, measures, principles and processes which apply to the design and assessment of built environment proposals through the planning system. One of the measures this policy covers to ensure good design outcomes in the built environment is to require design review for significant developments.

Clause 32.18 of new Local Planning Scheme No. 6 enables the Shire to appoint a design review panel and to adopt a local planning policy that “details the operation of the Design Review Panel and specifies the matters on which the Design Review Panel will be consulted”.

The preparation and adoption of adopt a Local Planning Policy is made in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015* (Regulations).

Under Part 3 of the Deemed Provisions of the Regulations, the Shire must have regard to a local planning policy in determining a development application, meaning draft Local Planning Policy 2.11 (LPP2.11) will provide a relationship between the development assessment and design review processes.

Budget Implications:

Associated advertising and public notice costs.

Communications Requirements:

The policy will undergo public advertising in accordance with Clause 4 of the Regulations for a period of 21 days.

The advertising of the draft LPP2.11 satisfies the following objectives of Council Policy CS 1.7:

1. *Providing regular and consistent communication on Council's projects and*

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- activities to all stakeholders;*
2. *Creating a positive and professional image for the Shire of Collie through open, transparent communication and increased awareness of Council's projects and activities; and*
 3. *Fostering meaningful community consultation processes in Council's activities.*

If any submissions are received on draft LPP2.11 it will be re-presented to Council for consideration.

Strategic Community Plan/Corporate Business Plan Implications:

Goal 4: Our Built Environment

Outcome 4.1 - Appropriate Land Use, Development and Heritage Conservation;

Strategies:

- 4.1.1 - Ensure appropriate planning controls for land use and development;*
- 4.1.2 - Promote the development of high quality residential development;*
- 4.1.3 - Support and promote the conservation and maintenance of heritage buildings, sites and places of interest; and*
- 4.1.5 - Ensure buildings and structures (residential and non-residential) are safe and built to required standards.*

Relevant Precedents:

Council reviews and considers new local planning policies on a regular and ongoing basis as required.

Comment:

Draft LPP2.11 will:

- provide guidance on the requirements for proposals to undertake Design Review through referral to the South West Joint Design Review Panel;
- augment the Shire's development assessment process and major projects to ensure design principles for significant developments have been taken into account; and
- set out when the proponent will be liable to pay for costs incurred as part of design review.

This draft LPP2.11 policy was developed in conjunction with the other local governments on the South West Joint Design Review Panel to ensure consistency across the region.

Under Part 3 of the Deemed Provisions of the Regulations, the Shire must have regard to a local planning policy in determining a development application. Therefore, draft LPP 2.11 will establish the relationship between the development assessment process and the design review process.

Clause 6.1 of the draft LPP 2.11 establishes the process for design review including the role of the design review panel in the development application process which is as

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follows:

“6.1 (d) The Design Review Panel performs an advisory function and does not have any power to make decisions. The comments and advice of the Design Review Panel are not binding on the Shire but assist the Shire in making better informed decisions. The Design Review Panel does not report on compliance with the scheme or policies.”

Clause 6.2 of draft LPP2.11 sets the threshold for the types of applications that are referred to the Design Review Panel.

It is important to strike a balance on what matters require Design Review. The lower the threshold, the increase in the number of meetings and therefore cost, too high a threshold and matters which would have benefited from design review might be overlooked.

The threshold included in draft LPP2.11 includes the ability for the Director Development Services to use their discretion for a proposal to require design review if other criteria are not fully met, but the proposal would benefit from design review.

Outside of the development assessment process, the Shire can refer its own projects to the design review at its discretion.

Section 6.3 of the draft LPP2.11 allows for two (2) design reviews at no cost to the proponent, provided one (1) of the reviews occurs prior to lodgement of a development application. This is to incentivise early engagement with the panel, which increases opportunities for the feedback to be incorporated into a design at a lower cost to the proponent.

If no review is undertaken before lodgement, then only one (1) review will be provided at no cost to the proponent.

For further reviews the cost will be charged to the proponent which may provide an incentive for the applicant to take on board the design review panel's early feedback to avoid costs associated with further reviews.

Officers request that the draft policy is approved for advertising and that if no submissions are received Council agree to proceed with the policy without modification and subsequently advertise a notice of the final policy. If any submissions are received on the draft policy, it will be re-presented to Council for consideration.

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Cr Woods has declared an Impartial Interest at Item 13.5

13.5 Request to Remove Notification on Certificate of Title Under Section 70A - Lot 370, No. 14 River Avenue, Collie

Reporting Department:	Development Services
Reporting Officer:	Isabel Fry - Town Planner
Accountable Manager:	Matt Young – Director Development Services
Legislation	<i>Transfer of Land Act 1893</i>
File Number:	A3237
Appendices:	Appendix 18 - Request for Removal Appendix 19 - Copy of Original Notification
Voting Requirement	Simple Majority

Report Purpose:

For Council to consider a request to remove a notification on certificate of title under Section 70A, relating to Lot 370, No.14 River Avenue.

8914

Officer's Recommendation/Council Decision:

Moved: Cr Kearney

Seconded: Cr Smith

That Council authorise the removal of the notification on the certificate of title relating to Lot 370, No.14 River Avenue, Collie which imposes the following restriction on the use of the land:

“Ancillary accommodation to be relocated to the above property. The ancillary accommodation may only be inhabited by persons legally related to the occupants of the principal dwelling.”

CARRIED 11/0

Background:

A request has been received from the owner of Lot 370, No.14 River Avenue, Collie. The request is to remove a notification on certificate of title, imposed under Section 70A of the *Transfer of Land Act 1893* (Appendix 18).

The notification (Appendix 19) was imposed through a resolution of Council to ratify an interim development order granted for an ancillary dwelling on 19 December 2006. The notification imposes the following restriction on the use of the land:

“Ancillary accommodation to be relocated to the above property. The ancillary accommodation may only be inhabited by persons legally related to the occupants of the principal dwelling.”

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The notification was imposed due to the version of the Residential Design Codes at the time of approval requiring ancillary dwellings to only be inhabited by persons legally related to the occupants of the principal dwelling. This is no longer a requirement under the current State Planning Policy 7.3 - Residential Design Codes Volume 1.

Budget Implications:

Nil

Communications Requirements:

Nil

Strategic Community Plan/Corporate Business Plan Implications:

Goal 4: Our Built Environment

Outcome 4.1 Appropriate Land Use, Development and Heritage Conservation;

Strategy 4.1.1: Support and promote the conservation and maintenance of heritage buildings, sites and places of interest.

Comment:

Ancillary dwellings (granny flats) provide for an alternative housing option and pursuant to the current version of State Planning Policy 7.3 Residential Design Codes, also have the capacity to be available to be used by non-family members of the occupier of the main dwelling (i.e. can be rented out separately).

It is recommended that Council support the Officers Recommendation to authorise the removal of the notification.

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Mr Devenish left the room at 10.20pm and returned at 10.21pm.

13.6 Determine Tender 04/2021 - Replacement of existing roof covering to Minor Sports Court (Court 3) at Roche Park Recreation Centre

Reporting Department:	Development Services
Reporting Officer:	Scott Geere – Building Services Manager
Accountable Manager:	Matt Young – Director Development Services
Legislation	WA Local Government Act 1995 – Section 3.57 Local Government (Functions and General) Regulations 1996
File Number:	CPR/038 - Roche Park Recreation Centre
Appendices:	No
Voting Requirement	Simple Majority

Report Purpose:

To award the tender for the replacement of existing roof covering to minor sports court (Court 3) at Roche Park Recreation Centre.

8915

Officer's Recommendation/Council Decision:

Moved: Cr Faries

Seconded: Cr Scoffern

That Council award Tender 04/2021 for the replacement of existing roof covering to minor sports court (court 3) at Roche Park Recreation Centre to PMC Roofing Pty Ltd, for the amount of \$83,380.00 (ex GST).

CARRIED 11/0

Background:

At the Ordinary Meeting of Council held the 14 September 2021 Council resolved by absolute majority to re-allocate \$144,429 of Local Roads and Community Infrastructure (LRCI) phase 2 grant funding to re-sheet the Court 3 roof at Roche Park (ref: motion #8817).

A 'Request for Tender' was subsequently advertised on the 21 October 2021 in the West Australian, South West Times, Collie Mail, Tenderlink, and the Shire of Collie website. This tender closed on the 17 November 2021 at 2.00pm.

A total of three (3) responses were received. These respondents are:

1. Willsher Roofing;
2. PMC Roofing Pty Ltd; and
3. Safeway Building and Renovations Pty Ltd.

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The tender submissions were evaluated using the following criteria:

Compliance Criteria

Yes / No answers

Pricing weighting

40%

Qualitative Criteria weighting

1. 20% Relevant Experience
2. 20% Tenderer's Resources
3. 20% Demonstrated Understanding

An evaluation has been carried out in accordance with r.18(4) of the *Local Government (Functions and General) Regulations 1996* – please refer to the 'comments' section of this agenda.

Statutory and Policy Implications:

Advertising and processing of tenders was conducted in accordance with the *Local Government (Functions and General) Regulations 1996, Part 4 'Provision of Goods or Services'*.

Budget Implications:

This project is fully funded by phase 2 of the Local Roads and Community Infrastructure ('LRCI') grant program.

Communications Requirements: (Policy No. CS 1.7)

Nil

Strategic Community Plan/Corporate Business Plan Implications:

2.0 - OUR BUILT ENVIRONMENT

Our Goal: To provide the community with appropriate infrastructure that meets Community Expectations: This will be achieved by;

- Sound forward financial planning
- Sound forward asset Management planning
- Understanding our community expectations and desires
- Aligning staff and financial resources to strategic focuses
- Effective asset utilisation

Relevant Precedents:

Nil

Comment:

The proposed contract includes the following works:

- Removal and disposal of the existing roof cladding to the Court 3 minor sports court at Roche Park including all flashings, ridge capping, ridge vent covers, skylights, guttering, insulation, and wire mesh;
- Supply and installation of new Prodek 0.48mm zonalume roofing, and associated colorbond gutters, barge capping, and flashing (to be colour

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matched with existing);

- Install 'Stratco Ventrige' ridge ventilation system to apex of stadium roof, to suit profile of Prodek 0.48mm roof sheeting;
- Supply and installation of new R1.5 Anti Con blanket with new AS/NZS:2015 compliant galvanised safety mesh to underside. To be discontinuous beneath ridge vent locations to allow for ventilation.

An evaluation was undertaken by the Tender Assessment Panel comprising of:

- Director of Development Services;
- Manager of Building Services; and
- Compliance Officer.

In accordance with the advertised Tender assessment criteria, the evaluation of the Tender produced the following rankings:

	Compliance Criteria	Relevant Experience & Key Personnel	Tenderers Resources	Demonstrated Understanding	Pricing	Score
Value	Y/N answers	20% Score 0-5	20% Score 0-5	20% Score 0-5	40%	
PMC Roofing Pty Ltd	Y	20	18	18	23.3	79.3
Safeway Building & Renovation Pty Ltd	Y	20	18	18	9.8	65.8
Willsher Roofing	N	14	10	14	26.9	64.9

Both PMC Roofing Pty Ltd and Safeway Building and Renovation Pty Ltd in particular demonstrated excellent levels of competency, capacity, and understanding in their submissions. Both companies have extensive construction experience in size, value and complexity.

Willsher Roofing have detailed experience in other commercial roofing projects, including a partial re-roof of Roche Park Recreation Centre in 2010. However their submission did not meet prescribed compliance criteria such as Profit and Loss Statement, Builders Registration Number, and Risk Assessment data.

PMC Roofing Pty Ltd were ultimately scored higher over Safeway Building and Renovation Pty Ltd due to their price difference. Other key features of the PMC Roofing Pty Ltd submission include:

- Gantt Chart demonstrating anticipated project commencement with a construction timeframe of under three weeks, with finalisation readily achievable during 2022 summer period;

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- 24 hour a day contact with site supervisors;
- Experience being the main contractor for roof replacement services on significant State government projects including HBF Arena Joondalup;
- Reference checks, including those from Venueswest and Building Management and Works, were very positive and supported the Shire's assessment of PMC Roofing Pty Ltd.

Following consideration of the submissions in accordance with the Tender assessment criteria, PMC Roofing Pty Ltd provided competitive pricing and demonstrated its expertise and capacity to complete the works within the required timeframe, quality standard and within budget. PMC Roofing Pty Ltd is therefore recommended as the preferred Tenderer.

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14. TECHNICAL SERVICES REPORTS

14.1 Tender 07/21 Road Shoulder Sealing and Audible Edge Lining – Mungalup Rd

Reporting Department:	Technical Services
Reporting Officer:	Rick Miller – Director Technical Services
Accountable Manager:	Rick Miller – Director Technical Services
Legislation	Local Government Act 1995 – Section 3.57 Local government (Functions and General) Regulations 1996 – r.11, r.13, r.14, r.18, r.20, r.21A
File Number:	CMG/276
Appendices:	No
Voting Requirement	Simple Majority

Report Purpose:

For Council consideration to accept or reject Tender – 07/21 Road Shoulder and Audible Edge Lining – Tranche 3 Mungalup Road.

8916

Officer's Recommendation/Council Decision:

Moved: Cr Italiano

Seconded: Cr Miffing

That Council:

- 1. accepts the most advantageous tender, that being submitted by Fulton Hogan Pty Ltd, to provide in accordance with Tender – 07/21 Road Shoulder and Audible Edge Lining – Tranche 3 Mungalup Road for a total payment of \$1,293,724.62 ex GST;**
- 2. authorises the Chief Executive Officer, to liaise with the successful tenderer to make minor variations to achieve design outcomes before entry into contract;**
- 3. authorises the Chief Executive Officer, in accordance with section 9.49A(4) of the Local Government Act 1995, to execute the contract for Tender – 07/21 Road Shoulder and Audible Edge Lining – Tranche 3 Mungalup Road.**
- 4. authorises the Chief Executive Officer to approve contractor variations that will not exceed the total approved 2021/22 budget project value**

CARRIED 11/0

Background:

The Shire was successful in receiving approx. \$2.68m from the Federal Govt in 21/22 for shoulder sealing and audible edge lines on Mornington Rd and Mungalup Rd as part of the Regional Road Safety Program of which MRWA are managing the grant funds to the Councils.

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Subsequently the projects were included in the adopted Council 2020/21 Budget capital works program.

The tender process was contracted out to WALGA who were working with other LGAs in the Southwest to aggregate these works under 1 preferred supplier contract. The advertising was on behalf of Augusta Margaret River, Shire of Bridgetown Greenbushes and Shire of Collie.

The close date for tender submissions was the 19 August 2021 and one submission was received from Fulton Hogan. The group of Councils accepted Fulton Hogan as the preferred contractor and it was up to each Council to then award their own contracts for works in their own Shire.

The Acting Director Technical Services Peter Keane completed the evaluation assessment and recommended that Fulton Hogan represented value for money and most advantageous for the Shire to complete the contracts.

Shire staff have been working through clarifications with the preferred tenderer to get the project scope and deliverables to an agreed outcome. It was determined to award the two projects as separate contracts to align with the different timing of deadlines for each project. Mornington Road was awarded by Council at the 9 November 2021 Council meeting and works are currently well underway.

The Director Technical Services has further clarified the Mungalup Road submission and assessed that it represents value for money and recommends that the contract be awarded to Fulton Hogan. This will allow work to commence in January 2022 for completion well before the 30 June 2022 deadline.

Statutory and Policy Implications:
CS3.23 Purchasing Policy applies.

The Functions and General Regulations (Clause 18) prescribes the powers of the Local Government to accept or reject tenders.

Budget Implications:

Project is included in the adopted 2021/22 Budget with an allocation of \$1,353,560 (ex GST). The Tender project cost of \$1,293,724.62 (ex GST), enabling minor variations to be accommodated if necessary.

Communications Requirements: (Policy No. CS 1.7)
Nil

Strategic Community Plan/Corporate Business Plan Implications:

Outcome 4.3 A safe and reliable transport system
Outcome 4.6 A sustainable asset and infrastructure base

Relevant Precedents:
Nil

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Comment:

The awarding of the project will allow completion of the road safety project in line with federal funding and guidelines. This project is 100% Federal/State funded. Fulton Hogan are currently working on Mornington Road and have demonstrated to be very capable and professional in the delivery of the current Mornington Road project. The same level of service can be expected for the Mungalup project.

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14.2 Waste Reserve Funds Transfer for Expenditure in Financial Year 2021/22

Reporting Department:	Technical Services
Reporting Officer:	Rick Miller – Director Technical Services
Accountable Manager:	Rick Miller – Director Technical Services
Legislation	Local Government Act 1995(WA); Contaminated Sites Act 2003; Environmental Protection Act 1986(WA); Environmental Protection Regulations 1987(WA)
File Number:	WAT/001
Appendices:	No
Voting Requirement	Absolute Majority

Report Purpose:

For Council to consider transfer of up to \$95,000 from the Shire Waste Reserve and create corresponding expenditure accounts for works at/for the Gibbs Road Putrescible Landfill to occur in the Financial Year 2021/22

8917

Officer's Recommendation/Council Decision:

Moved: Cr Harverson

Seconded: Cr Faries

That Council resolve by ABSOLUTE MAJORITY to:

- 1. approve the creation of new expenditure accounts up to the total value of \$95,000 for works (Strategic Waste/Closure Plans and associated investigations and replacement CCTV) at/for the Gibbs Road Putrescible Landfill to occur in Financial Year 2021/22; and**
- 2. approve the transfer of up to \$95,000 from the Waste Reserve for works at/for the Gibbs Road Putrescible Landfill to occur in Financial Year 2021/22.**

CARRIED 11/0

Background:

The Gibbs Road Putrescible Landfill is a Class II unlined landfill and waste depot located at Reserve 36457 Gibbs Road, Collie; approximately 2.3 kilometres east of the town of Collie.

Prior to operation as a landfill, the site on which the Premises is located was operated as a gravel and sand quarry. Following the cessation of quarrying, the site operated as an unmanned landfill from the early 1970s, allowing unregulated disposal of waste into the depression left by the sand extraction quarry.

The activities undertaken at the Premises prior to licensing in February 1997, are largely undocumented, so the dimensions and characteristics of the initial quarry void, and the amounts and types of waste placed at the site are unknown. In 1997, the Shire of Collie constructed a dedicated and manned waste transfer station with

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set hours of operation and has since managed the Premises as a licensed waste disposal depot and putrescible landfill servicing the residents and industry within the town of Collie and surrounds.

Parts of the former, unlicensed landfill are designated as inactive landfill cells within the putrescible landfill waste mass. Current landfilling of putrescible waste is undertaken using the 'trench and fill' method on 'active' cells, positioned over the pre-existing waste mass.

The landfill operates under licence issued by the Department of Water and Environment Regulation (DWER). Earlier this year, the Department reviewed the terms of the Shire's licence and issued an amended licence with new and additional requirements. This was received in July 2021, after the budget for the current financial year was finalized.

The amended licence specifies a range of actions, including:

Specified Action 1 – Groundwater Monitoring Plan

By 8 July 2022, the licence holder shall prepare and submit a Groundwater Monitoring Plan which includes:

- (a) an assessment of the suitability of existing monitoring bores MW1A, MW1B, MW2S, MW2D, MW3, MW4S and MW4D;
- (b) a plan for the replacement and decommissioning of any unsuitable bores; and
- (c) details of the proposed installation of at least three (3) additional monitoring bores strategically located to capture and monitor leachate seepage from landfill areas to groundwater and determine local groundwater flow directions across the premises. At least two new bores should be installed in close proximity to and immediately down-hydraulic gradient of the Class II putrescible landfill so that any impacts associated with the landfill are identified as quickly as possible.

Note 1: Bore suitability should be assessed based on 'i) bore construction specifications, ii) whether sufficient information is known about the bore to enable interpretation of monitoring data and iii) the current condition of the bore. This assessment should also consider guidance in Section 8 of Schedule B2 of the Assessment of Site Contamination NEPM. The following information is required to satisfy DWER that a bore is suitable for ongoing monitoring:

- provision of the construction borelog or where this has been lost a downhole video survey to determine the total bore depth and screened interval depth;
- surveyed height for the top of casing (or alternative groundwater level reference point) and surveyed GPS coordinates; and
- visual assessment confirming that the bore is in a serviceable condition and without significant damage to the casing or blockages which would prevent sampling.

Specified Action 2 – Hydrogeological Assessment

By 8 July 2022, the licence holder shall provide to the CEO a Hydrogeological Assessment of groundwater beneath the premises. The assessment shall include, but not be limited to, the following:

- a. location, depth and design of monitoring bores;

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- b. geology and hydrogeology including soil stratigraphy;
- c. location, and depth of all groundwater and seasonal groundwater;
- d. seasonal flows, hydraulic gradients and direction of groundwater;
- e. interactions between groundwater and surface waters;
- f. trends in groundwater depths;
- g. identification of pathways and receptors for groundwater flow; and
- h. existing groundwater quality reviewed against applicable
- i. standards and Guidelines.

Specified Action 5 – Landfill Closure Management Plan

By 7 July 2023, the licence holder must submit a Landfill Closure Management Plan, which must include:

- a. proposed future land use of the site;
- b. conceptual topographic contour plans which show proposed final levels pre and post (estimated) settlement and are informed by geotechnical stability considerations;
- c. details of the proposed capping system, including description of the composite liner materials and soils and justification through demonstration of material properties
- d. timeframes for the completion of waste disposal and proposed closure and capping works;
- e. post-closure stormwater and leachate management measures;
- f. measures to control landfill gas post capping and closure, including assessment of landfill gas production and required infrastructure to mitigate impacts to receptors, justified based on projected yield;
- g. timeframe for implementing the plan; and
- h. the estimated period for which the site will require protection and monitoring.

It has also been brought to attention that the existing CCTV system is very old and not functional for police prosecutions etc. Given recent and ongoing tip breakins and vandalism, it is recommended to update and replace the existing CCTV system this financial year.

Statutory and Policy Implications:

Nil

Budget Implications:

The Waste Reserve has a 2021/22 budget balance of \$297,545. If all \$95,000 is used the closing balance will be reduced to \$202,545.

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Communications Requirements: (Policy No. CS 1.7)
Nil

Strategic Community Plan/Corporate Business Plan Implications:
GOAL3: OUR NATURAL ENVIRONMENT
Outcome 3.1 A protected natural environment
Outcome 3.3 Effective waste diversion and recovery

Relevant Precedents:
Nil

Comment:

The landfill site is critical operational infrastructure for the Shire and community. The opportunity is to address the issues that have been raised in a timely manner will be positive for the shire and community. It will also allow the shire to review the existing operations and assist with forwarding planning and budget for future years.

The funds requested will be spent in 3 keys areas:

- Landfill Closure and associated plans;
- Operational Review to identify efficiencies; and
- Maintaining site security

These works will guide site operations through to cessation of landfill, inform strategic decisions around waste management, assist financial planning in readiness for closure and help the site maintains statutory compliance and provide suitable level of service for local residents and business needs.

A key outcome is that these plans and works will set down a clear foundation and inform the Long-Term Financial Planning and funding needed to meet our interim operations and ultimate closure obligations.

Transfer of funds from reserve will allow the necessary work to be undertaken and is recommended accordingly.

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15. MOTIONS FOR WHICH PRIOR NOTICE HAS BEEN GIVEN

Nil

16. QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN

Nil

17. URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION

Nil

18. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS

Cr Scoffern

- 11 November: - Tourism Marketing Strategy Action planning workshop
- 20 November: - Collie Suicide Prevention Network - Collie Ag Show stall
- 24 November: - Attended the TMAC meeting
- 24 November: - Attended the What's on the Horizon community forum
- Thanked Mrs Allison Fergie for her time with the Shire and on her last meeting of Council.

Cr Hansen

- 19 November: - Attended Sports Person of the Year
- Attended Bushfires Meeting – Tristan Gulvin awarded a 15-year service award

Cr Smith

- 24 November: - Attended TMAC
- Attend 125 Yrs Celebration Committee of Collie

Cr Kearney

- Attend 125 Yrs Celebration Committee of Collie

Cr Miffing

- 11 November: - Deputised for Remembrance Day Service
- 19 November: - Sports Person of the Year Award and thanked Mrs Emmett for organising the event.

Cr Stanley

- 19 November: - Attended the SW Zone Meeting
- 21 November: - Attended the Community Cabinet Meeting
- Met with Hon. John Carey – Minister for Housing and Local Government
- 23 November: - Attended reception for the New RFDS Helicopter
- 25 November: - Attend the Local Government Grants Commission hearing
- 125yrs Celebration

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Mr Devenish

- 10 November: – Meeting with WALGA re South West Zone Meeting agenda
- 10 November: – Meeting with representative of AMWU
- 10 November: – Meeting with Renergi CEO
- 10 November: – Renergi Project Control Group meeting
- 10 November: – Meeting with caravan park residents
- 11 November: – Tourism and Marketing Strategy Action Planning Workshop
- 15 November: – Local Government Reform webinar
- 16 November: – Meeting with Department of Sport and Recreation
- 17 November: – Local Emergency Management Committee meeting
- 17 November: – Southern Ports Board & CEO – Bunbury Regional Stakeholder function
- 19 November: – WALGA South West Country zone meeting
- 19 November: – Audit Committee meeting
- 19 November: – SPOTY Awards presentations
- 21 November: – State Cabinet Ministers Community Reception
- 23 November: – Royal Flying Doctor Service helicopter reception
- 23 November: – Meeting with representative of Magnium
- 24 November: – Tourism and Marketing Committee meeting
- 24 November: – What’s on The Horizon community forum
- 25 November: – Local Government Grants Commission public hearing
- 7 December: – Just Transition Working Group meeting
- 7 December: – Celebrating Collies History planning meeting
- 7 December: - Council forum
- 9 December: – Enterprise Bargaining Committee meeting
- 10 December: – Meeting with Chamber of Commerce and Industry
- 13 December: – Integrated Planning and Reporting webinar
- 13 December: – Meeting with South West Development Commission
- 14 December: – Presentation of Top Year 8 CSHS Award

19. STATUS REPORT ON COUNCIL RESOLUTIONS

Summary reports on the status of Council’s resolutions are;

- ‘Closed Since Last Meeting’ at Appendix 20
- ‘All Open’ at Appendix 21

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Motion # – Wagon Lease

Mrs Green and Mrs Varian left Chambers at 10.34pm.

20. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

8918

Moved: Cr Faries

Seconded: Cr Harverson

That Council moves Into Committee.

CARRIED 11/0

20.1 – Disposal of Property

8919

Officer's Recommendation/Council Decision:

Moved: Cr Faries

Seconded: Cr Smith

That Council resolve by Absolute Majority to proceed with issuing a Property Sale and Seizure Order for Land under CS3.16 Rating Policy to the following properties for the non-payment of rates:

- **A1865 – 85 Wallsend Street, COLLIE WA 6225**
- **A5245- 102-104 Atkinson Street, COLLIE WA 6225**
- **A2028- 2172 Prinsep Street, COLLIE WA 6225**
- **A5982- 42A Simpson Street, COLLIE WA 6225**
- **A851- 1623 Watson Street, COLLIE WA 6225**

CARRIED 11/0

8920

Moved: Cr Scoffern

Seconded: Cr Faries

That Council moves Out of Committee:

CARRIED 11/0

21. CLOSE

The Shire President thanked Council and Staff for their attendance. The Presiding Member declared the meeting closed at 10.48pm.

I certify that these Minutes were confirmed at the Ordinary Meeting of Council held on Tuesday, 8 February 2022.

.....
Presiding Member

.....
Date